

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
KEENAN LEWIS

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S.D. OF N.Y.

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**AMENDED
COMPLAINT**

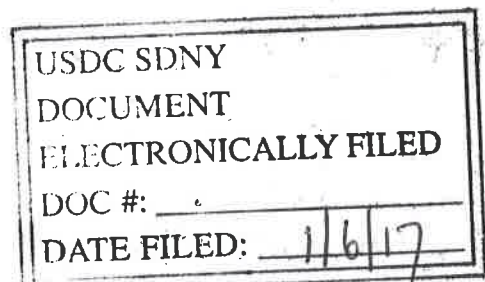
under the Civil Rights Act,
42 U.S.C. § 1983

THE CITY OF NEW YORK, N.Y.C. POLICE
OFFICER ANDREW NASH, SHIELD # 11510, IN
HIS INDIVIDUAL AND OFFICIAL CAPACITY;
POLICE OFFICER RYAN LOOMIS, SHIELD #11460;
IN HIS INDIVIDUAL AND OFFICIAL CAPACITY;
AND POLICE OFFICER QUINCY SMITH SHIELD #
21133, IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY

Jury Trial: ☐ Yes ☐ No
(check one)

16 Civ. 7921 (CM)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name MR. KEENAN LEWIS
ID# _____
Current Institution _____
Address _____

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name P.O. ANDREW NASH Shield # 11510
Where Currently Employed (NYPD) 32ND PRECINCT (NYC)
Address _____

Case

Defendant No. 2 Name P.O. RYAN LOOMIS Shield # 11460
 Where Currently Employed (NYPD) 32ND PRECINCT (NYC)
 Address _____

Defendant No. 3 Name P.O. QUINCY SMITH Shield # 21133
 Where Currently Employed (NYPD) 32ND PRECINCT (NYC)
 Address _____

Who did
what?

Defendant No. 4 Name THE CITY OF NEW YORK Shield # _____
 Where Currently Employed 100 CHURCH STREET
 Address NY NY 10007

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

N/A

B. Where in the institution did the events giving rise to your claim(s) occur?

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

SEPTEMBER 5th, 2014 5:00 P.M.

D. Facts: _____

What
happened
to you?

1

(**STATEMENT OF FACTS:** Plaintiff asserts that Defendant, Police Officer Andrew Nash conducted a Traffic Stop At The South West Corner of of Chisom Place & 142nd Street, In The County of New York and as a result of this Stop, Plaintiff was arrested by, P.O. Nash and Charged with, Criminal Impersonation in the Second Degree NY Pen Law Sec. 190.25(1); VTL 511(1)(a) Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree-NotDNA Eligible and; VTL 509(1), Unlicensed Driving. (SEE: ATTACHED EXHIBIT (A): MISDEMEANOR INFORMATION BY P.O. NASH DATED: SEP 5TH, 2014, TIME COMPLETED 2235. The Factual Allegations reads as follows: "I OBSERVED THE DEFENDANT DRIVING A BLACK 2011 BMW SEDAN WESTBOUND ON WEST 144TH STREET". "THAT THE KEY WAS IN THE IGNITION, THE ENGINE WAS RUNNING AND THE DEFENDANT AS BEHIND THE WHEEL." "WHEN I STOPPED THE DEFENDANT, I OBSERVED HIM HAND MY PARTNER, POLICE OFFICER RYAN LOOMIS, SHIELD #11460, OF THE 32ND PRECINCT, A NEW YORK STATE LEARNERS PERMIT BEARING THE NAME CHAZ BOBO, BEARING THE ADDRESS OF 101 WEST 147th STREET, NEW YORK, AND A DATE OF JULY 31, 1988." "THE DEFENDANT STATED TO ME, IN SUBSTANCE, THAT HIS NAME WAS CHAZ BOBO AND THAT HE LIVED AT THE ADDRESS ON THE LEARNERS PERMIT." "THE DEFENDANT LATER ADMITTED TO ME THAT HIS NAME WAS KEENAN LEWIS." (P.O. NASH CONTINUED ON PAGE TWO:) "I SEARCHED THE NEW YORK DEPARTMENT OF MOTOR VEHICLES DATABASE AND DETERMINED THAT-

CONTINUED ON ATTACHED PAGES:

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

As A result of this false arrest and incarceration, including the judicial process of plaintiff's bail statute being revoked. The New York State Division of Parole violated this Plaintiff and the cause of that violation was this prosecution and arrest. The violation was dismissed, and/or the case was settled by a plea to a violation, which dismissed the original Misdemeanor counts. The violation is not a charge sufficient for a Parole Violation, yet, the Plaintiff suffered same. Was held on Parole through Ministerial Negligence, inter-alia. The Parole Hold became a (K-Calendar hold, and the proximate cause of the 179 days detained was this arrest. The prosecution was terminated, and the Misdemeanor Complaint was in violation of (C.P.L. 100.15(3)) and Manufactured for another investigation.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes _____ No _____ N/A

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2. A). THE DEFENDANT HAS ONLY BEST ISSUED AN IDENTIFICATION CARD DOES NOT HAVE A VALID **DRIVERS** LICENSE;"B)." " THE DEFENDANT'S PRIVILEGE TO OPERATE A MOTOR VEHICLE IS PRESENTLY SUSPENDED WITH NO SCOFFS ON TWO DATES (2 of 2);" "and C). THERE IS A LICENSED DRIVER NAMED CHAZ BOBO, WITH AN ADDRESS OF 101 WEST 147th STREET, NEW YORK, AND A DATE OF BIRTH OF JULY 31, 1988." [2]

"KNOW THAT THE DEFENDANT KNEW HIS PRIVILEGES OF OBTAINING A LICENSE AND/OR OPERATING A MOTOR VEHICLE WAS SUSPENDED **BECAUSE** THE COMPLETE CHECK REVEALED THAT HIS PRIVILEGE OF OPERATING A MOTOR **VEHICLE** WAS SUSPENDED FOR FAILURE TO ANSWER A NEW YORK SUMMONS AND ALL SUCH SUMMONSES HAVE PRINTED ON THEM, "IF YOU DO NOT ANSWER THIS TICKET BY MAIL WITHIN FIFTEEN DAYS YOUR LICENSE WILL BE SUSPENDED." "THE SUSPENSION OCCURS AUTOMATICALLY (**By Computer**) WITHIN FOUR WEEKS OF THE DEFENDANT'S FAILURE TO ANSWER."

Officer Nash Signed under Penalty of Perjury pursuant to, Section 210.45 of The Penal Law at, 2235 and on, 9/5/14.

3. The Plaintiff did not engage in any illegal activity, did not break any **type** of Vehicle Laws, Traffic Laws, nor was anything inside or outside the Vehicle defective to create **Probable Cause** to pull over said Vehicle. The arrest was based upon observations claimed to have been by, Police Office Andrew Nash and Police Officer Ryan Loomis. These defendant's falsely claimed all event's and committed perjury upon writing and listing their TRaffic Stop Events and also, arrest events. Other then the false claims made by P.O. Nash and P.O. Loomis, there is and was no other evidence linking the Plaintiff to any illegal activity that took place on the date of September 5th, 2014.

Despite all of this, the **Plaintiff** was charged with the counts outlined above, and at his arraignment and the Plaintiff's Bail on a unrelated charge issued on Febrary 22nd, 2014, was revoked on September 17th, 2014, also, a Parole Detainee Hold was issued up until, June 16th of 2015.

4. In the Month of February 2015, Plaintiff received a Disorderly Conduct Violation for this Complaint and Arrest on, September 5th, 2014. Yet, THE NYS DIVISION OF PAROLE WOULD NOT LIFT THE PAROLE HOLD/WARRANT UNTIL, JUNE 29TH, 2015, AND ON JULY 1ST, 2015, The Plaintiff was Released inter-alia, On A Secured Bail. Yet, Still held on the Warrant. Parole Judge, Beltrani refused to and claimed that Plaintiff had a violation Felony Pending, which was not true, and which forced Plaintiff to a K-Calendar.

Upon information and belief, defendant's, P.O. Nash and P.O. Loomis, the arresting Officers, committed perjury when providing information for, and affirming the Criminal Complaint, also upon written Arrest Reports (which was sworn to by Defendant P.O. Nash, defendant # 2, and for which provided information in the preparation thereof. Moreover, P.O. Nash was the Controlling Officer of the operation and either knew or should have known that one of his team members made false statements with him. Defendant, P.O. Nash continued to make false statements to the New York County District Attorney's Office, which resulted in their attempt to prosecute this matter. Even though the Complaint is Defective.

[2] The Misdemeanor Complaint is lacking adequate grammer and doesn't make sense, also, in some areas, un-readable.

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This is including presenting evidence to a jury and committing perjury before the Grand Jury by making more false statements.

SEE: ATTACHED EXHIBIT (B): "AFFIDAVIT IN SUPPORT OF SEARCH WARRANT" BY P.O. ANDREW NASH SIGNED BY (ADA) MICHAEL PASINKOFF OF NEW YORK COUNTY DISTRICT ATTORNEYS OFFICE, ALSO, P.O. NASH SHIELD # 11510 AND DATED; 1/13/15.

5. This Affidavit also includes an Attached Search Warrant for another item found inside of the target vehicle on September 5th, 2014, "BLACK HANDHELD MAGNETIC STRIP READER".

Located in Paragraph (3) which is continued and listed on Page two of the Affidavit and starting on page one, P.O. NASH swore under oath to probable cause facts that were apart of the arrest event on Sep 5th, 2014. Yet, which is not presented in his factual allegations of the original complaint dated, September 5th, 2014. Quoting: Paragraph (3):

"THE INFORMATION CONTAINED IN THIS AFFIDAVIT IS BASED UPON INTERVIEWS WITH WITNESSES, REVIEWS OF WITNESSES STATEMENTS OR REPORTS BY OTHERS WHO CONDUCTED INTERVIEWS, MY CONVERSATIONS WITH OTHER POLICE OFFICERS, MY REVIEW OF DOCUMENTS RELATED TO THIS INVESTIGATION, PERSONAL OBSERVATIONS OR REPORTS OF OBSERVATIONS OF OTHER POLICE OFFICERS, AND INFERENCES I HAVE DRAWN FROM THIS INFORMATION. IT DOES NOT, HOWEVER, INCLUDE ALL OF THE INFORMATION KNOWN TO ME WITH RESPECT TO THIS INVESTIGATION, BUT ONLY THE INFORMATION THAT IS NECESSARY TO ESTABLISH THE 2011 BLACK NMW 5 SERIES, LICENSE PLATE # GRU8887 (HEREINAFTER THE "TARGET VEHICLE")."

"SINCE THE REAR LICENSE PLATE WAS IMPROPERLY DISPLAYED, I PULLED THE TARGET VEHICLE OVER."

6. This statement as probable cause for the stop was left out of the misdemeanor complaint all together and is perjury in nature. (SEE: EXHIBIT (C): ATTACHED SEARCH WARRANT DATED: 1/13/2015.)

(SEE: EXHIBIT (D): AFFIDAVIT IN SUPPORT OF SEARCH WARRANT BY; P.O. QUICY SMITH, SHIELD # 21133 AND DATED; SEPTEMBER 6TH, 2014).

This is a Team Member that is also working on the investigation. Yet, it is unclear why it is that, P.O. SMITH was used to obtain this Search Warrant? This Affidavit was made to obtain a Search Warrant for a Set of Phones. (SEE: EXHIBIT (E): "PEOPLES VOLUNTARY DISCLOSURE FORM" (V.D.F.) REQUESTED BILL OF PARTICULARS BY DEFENSE'S OMNIBUS MOTION." (4 of 4 Pages), Un-Dated or Signed?

The defense Attorney gave a copy of this document to the Plaintiff and it is clearly seen that the District Attorney's Office does not disclose any items or property that could be taken as a result of the September 5th, 2014 Traffic Stop and Arrest. Therefore, it was unknown to the Plaintiff that any phones were being investigated by Search Warrant.

Yet, P.O. Smith stated in his Search Warrant Affidavit, inter-alia, On Page (3),-

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that, Quoting: "I AM INFORMED BY POLICE OFFICER NASH THAT ON SEPTEMBER 5, 2014, OFFICER NASH OBSERVED A 2011 BLACK BMW 5-SERIES, LICENSE PLATE # GRU8887, to wit, THE TARGET VEHICLE, DRIVING ON 142nd Street. SINCE THE VEHICLE HAD IMPROPERLY DISPLAYED LICENSE PLATE, OFFICER NASH PULLED THE VEHICLE OVER. THE VEHICLE WAS OPERATED BY KEENAN LEWIS' LICENSE WAS SUSPENDED AND ACCORDINGLY PLACED HIM UNDER ARREST. OFFICER NASH THEN TOOK THE TARGET VEHICLE INTO POLICE CUSTODY. DURING ARREST PROCESSING, OFFICER NASH RECOVERED A GRAY IPHONE, MODEL #A1429 AND A BLACK SAMSUNG GALAXY CELLULAR TELEPHONE. BOTH THOSE PHONES WERE VOUNCHED UNDER INVOICE NUMBER 1000547834."

7, The Plaintiff does not know why the District Attorney did not disclose these phones, nor let the plaintiff know that he was the subject of a Targeted Investigation. Yet, the Traffic Stop must have just been a Pretext for the investigation and the Traffic Stop was just staged. Therefore, a Malicious Prosecution Claim may be inside of this Civil Rights Suit.

THE PLAINTIFF CLAIMS MALICIOUS PROSECUTION TOOK PLACE BY THE DEFENDANTS by misrepresenting and falsifying evidence and arrest events before the New York County District Attorney. Defendants did not make a complete and full statement of facts to the District Attorney. Defendants withheld exculpatory evidence from the District Attorney. Defendant's were directly and actively involved in the initiation of criminal proceedings against Plaintiff KEENAN LEWIS. Defendants lacked probable cause to initiate criminal proceedings against Plaintiff KEENAN LEWIS. Defendants acted with malice in initiating criminal proceedings against Plaintiff KEENAN LEWIS.

Defendants were directly and actively involved in the continuation of criminal proceedings against Plaintiff KEENAN LEWIS. Defendants lacked probable cause to continue criminal proceedings against Plaintiff KEENAN LEWIS. As a result of the foregoing, Plaintiff's liberty was restricted for an extended of time, be was put in fear for his safety, and he was humiliated and subjected to handcuffing and other physical without probable cause. Therefore, the Arrest Was False and violatied the 4Th Amendment To The United States Constitution.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes _____ No _____ Do Not Know _____ N/A _____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes _____ No _____ Do Not Know _____ N/A _____

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes _____ No _____ N/A _____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes _____ No _____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? _____
N/A _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, _____

when and how, and their response, if any: _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). For Malicious Prosecution and False Arrest
The Plaintiff Request \$350.00 Aday, For The 179 Days of Detained Incarceration
on the Misdemeanor Complaint and Caused Parole Violation detention, including
\$5,000,000.00 For The Constitutional Violations, 4th & 14th Amendments, and Mal-
icious Proseution & False Arrest as related to Negligence Conduct and Malice
intentional emotional stress, Infliction of Emotional Duress, Pain & Suffering,
Mental Stress, punitive damages included that this court deems just, also
Pro-se Attorney's Fees and Costs asociated with this litigation pursuant to
(PLRA) ACTS, 28 USC 1997(e). And including \$1,000,000.00 For Each Party-
Defendant and Cause of Action.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

AMENDED COMPLAINT ONLY.

Yes _____ No _____

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

N/A

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes _____ No _____

NO.

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4th day of January, 2017.

✱ Signature of Plaintiff

Keenan Lewis

Inmate Number _____

Institution Address _____

Plaintiff KEENAN LEWIS, PRO-SE

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 4th day of January, 2016 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York. **One Original & Two Copies of said**

Amended Complaint As Ordered By Court.

28 USC 1746

✱ Signature of Plaintiff:

Keenan Lewis

Keenan Lewis